

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

IN RE: BLUE CROSS BLUE SHIELD ANTITRUST LITIGATION (MDL NO.: 2406)	} } } }	Master File No.: 2:13-CV-20000-RDP This document relates to all cases.
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AMENDED SCHEDULING ORDER

The court hereby **AMENDS** the schedule in the court's October 30, 2016 Order (Doc. # 469) as set forth below. The below schedule **SHALL** apply to the prioritized proceedings in *American Electric Motor Services Inc. v. Blue Cross and Blue Shield of Alabama et al.*, Case No. 2:12-cv-02169-RDP, *Conway v. Blue Cross and Blue Shield of Alabama et al.*, Case No. 2:12-cv-02532-RDP, and *Pettus Plumbing & Piping, Inc. v. Blue Cross Blue Shield of Alabama et al.*, Case no. 3:16-cv-00297-RDP.

- a. BCBSAL will produce all plaintiff claims data from 2005-2014 by **May 11, 2016**.
- b. The deadlines for BCBSAL and the Association to substantially complete production in response to the requests for production served on January 20, 2015 and March 6, 2015 are **June 30, 2016 (BCBSAL structured data), July 31, 2016 (BCBSA), and either July 31 or August 31, 2016 (BCBSAL unstructured data)**.¹
- c. The deadline for parties to reach an agreement on the scope of those requests and search methodology (including search terms and custodians) is **April 30, 2016**. Provided that the April 30, 2016 deadline is met, the deadline for all other Defendants to substantially complete production in response to those requests for production as they relate to the prioritized proceeding is **September 30, 2016**.
- d. The deadline for Plaintiffs to substantially complete production in response to Defendants' discovery requests is **September 30, 2016**, provided that the


¹ If the parties do not reach agreement on the date, that issue will be submitted to Judge Putnam for resolution at the April 2016 hearing.

parties reach an agreement on the scope of those requests and search methodology (including search terms and custodians by April 30, 2016).

- e. Fact discovery in the prioritized proceeding will be completed by **February 28, 2017**. Rolling productions are encouraged.
- f. Provided that all deadlines in paragraph b. above have been met on a rolling basis, the deadline for making all amendments to Plaintiffs' Complaints for the prioritized proceedings is **November 14, 2016**. The deadline for responsive pleadings to Plaintiffs' Complaints is **December 23, 2016**. The parties **SHALL** meet and confer regarding the discovery deadline for any newly-added Plaintiffs.
- g. Class Certification:
 - i. Class certification expert discovery is to be commenced in time to be completed for all deadlines set forth below to be adequately met.
 - ii. All reports from retained experts on class certification under Fed. R. Civ. P. 26(a)(2):
 - Due from Plaintiffs upon filing of any class certification motion
 - Due from Defendants upon filing of any opposition to class certification motion
 - Rebuttal due from Plaintiffs by upon filing of any reply to class certification motion
 - The defendants will be entitled to take the deposition of any expert on the issues addressed in a rebuttal report **within fourteen (14) days** of service of the rebuttal report.
- h. Class Certification Motions: Motions for class certification and materials in support are due **on or before April 11, 2017**. Opposition briefs **SHALL** be due **seventy-five (75) days** after any class certification motion is filed. Reply briefs **SHALL** be due **one-hundred twenty (120) days** after any class certification motion is filed. If a plaintiff or plaintiffs decide(s) to file a motion for class certification prior to April 11, 2016, the parties will meet and confer about such plaintiff(s)' proposed adjustments to the class certification schedule, and, if the parties are not in agreement, such plaintiff(s) may move the court for an adjustment to the dates in the schedule, with all parties reserving their rights.
- i. Daubert motions to exclude any class certification expert witness are to be filed on **August 30, 2017**. Opposition briefs **SHALL** be filed on **September 27, 2017**. Reply briefs **SHALL** be filed on **October 18, 2017**.

- j. Damages and Merits Expert Reports and Discovery:
- Due from Plaintiffs on August 9, 2017.
 - Due from Defendants on October 9, 2017.
 - Rebuttal due from Plaintiffs on November 17, 2017.
 - Defendants will be entitled to take the deposition of any expert on the issues addressed in a rebuttal report **within eighteen (18) days** of service of the rebuttal report.
- k. Dispositive Motions: All potentially dispositive motions on issues of liability and materials in support and supporting expert reports under Fed. R. Civ. P. 26(a)(2) are due on or before December 15, 2017. Opposition briefs **SHALL** be due **seventy-five (75) days** after filing of any dispositive motion. Reply briefs **SHALL** be due **one-hundred twenty (120) days** after any dispositive motion is filed.
- l. Pretrial Conference and Trial: The court will set a pretrial conference at its discretion a reasonable time after the ruling on class certification.

DONE and **ORDERED** this March 23, 2016.



R. DAVID PROCTOR
UNITED STATES DISTRICT JUDGE